

ORDINANCE NO. 2019-45

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE AMENDING EXISTING SECTIONS 551.01 AND 751.02 OF THE OAKWOOD VILLAGE CODIFIED ORDINANCES.**

**WHEREAS**, Oakwood Village recognizes the importance of maintained grass and yards within the Village for health, aesthetic, and safety reasons; and,

**WHEREAS**, Oakwood Village wishes to clearly require the cutting of all grass located on private property within the Village extending to a height of six inches or taller;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1:** Section 551.01, Definitions, which currently reads as follows:

**551.01 DEFINITIONS.**

“Noxious or harmful weeds and vines”, as used in this chapter, shall be deemed to include ragweeds, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particles, or which may conceal filthy deposits.

Shall be and hereby is amended to read as follows:

**551.01 DEFINITIONS.**

"Uncontrolled growth," as used in this chapter, shall be deemed to include the following, when growing at a height of six inches or higher:

- (a) Ragweeds, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particles, or which may conceal filthy deposits; and,
- (b) Grasses or any other living ground covering.

**SECTION 2:** Section 551.02, Cutting; Frequency; Village action; Costs, which currently reads as follows:

**551.02 CUTTING; FREQUENCY; VILLAGE ACTION; COSTS.**

(a) No owner or occupant of any lot or parcel of land located within the corporate limits of the Village shall fail to periodically cut and destroy all noxious or harmful weeds and vines growing upon such lot or parcel of land. This section shall not apply to growing crops or cultivated plants.

For the purpose of determining the frequency of cutting and destroying noxious weeds and vines as required herein, any noxious or poisonous weeds or vines growing upon any lot or parcel of

land and extending to a height of six inches shall be deemed noxious and harmful weeds and vines.

(b) The Building Inspector shall notify in writing any owner or occupant of a lot or parcel of land located within the corporate limits of the Village of the violation of subsection 551.02 (a) above and further order such owner or occupant to forthwith cut and destroy noxious or harmful weeds and vines growing upon such premises, and if such person fails to cut and destroy the same within five seven days of the date the notice was posted, then the Mayor shall cause such weeds and vines to be cut and destroyed. Service of the notice shall be deemed complete upon the posting of such notice in the United States mail to the last known address of the owner or occupant of such parcel of land. The owner of such premises shall thereupon be charged at the rate of one hundred fifty dollars (\$150.00) per hour, or any part thereof, with a minimum fee of one hundred fifty dollars (\$150.00), as a reasonable expense thus incurred in cutting and destroying such weeds and vines, and shall pay the cost thereof within ten days after being notified in the same manner as above of such costs. If the owner fails to pay such costs, the Director of Finance of the Village may certify the total cost to the County Auditor, who shall place the cost upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as is other taxes and returned to the Village of Oakwood by the County Auditor.

(c) The Mayor shall cause public notice in a newspaper of general circulation within the Village notifying those individuals who will be assessed pursuant to the requirements of subsection (b) hereof.

Shall be and hereby is amended to read as follows:

**551.02 CUTTING; FREQUENCY; VILLAGE ACTION; COSTS.**

(a) No owner or occupant of any lot or parcel of land located within the corporate limits of the Village shall fail to cut and destroy all uncontrolled growth upon such lot or parcel of land. This section shall not apply to growing crops or cultivated plants.

(b) The Building Inspector shall notify in writing any owner or occupant of a lot or parcel of land located within the corporate limits of the Village of the violation of subsection 551.02 (a) above and further order such owner or occupant to forthwith cut and destroy uncontrolled growth upon such premises, and if such person fails to cut and destroy the same within seven days of the date the notice was posted, then the Mayor shall cause such uncontrolled growth to be cut and destroyed. Service of the notice shall be deemed complete upon the posting of such notice in the United States mail to the last known address of the owner or occupant of such parcel of land. The owner of such premises shall thereupon be charged at the rate of one hundred fifty dollars (\$150.00) per hour, or any part thereof, with a minimum fee of one hundred fifty dollars (\$150.00), as a reasonable expense thus incurred in cutting and destroying such uncontrolled growth, and shall pay the cost thereof within ten days after being notified in the same manner as above of such costs. If the owner fails to pay such costs, the Director of Finance of the Village may certify the total cost to the County Auditor, who shall place the cost upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as is other taxes and returned to the Village of Oakwood by the County Auditor.

(c) The Mayor shall cause public notice in a newspaper of general circulation within the Village notifying those individuals who will be assessed pursuant to the requirements of subsection (b) hereof.

**SECTION 3:** The existing version of Oakwood Codified Ordinance Sections 551.01 and 551.02 be and hereby are repealed.

**SECTION 4:** The Codifier is hereby instructed to substitute the adopted versions of Codified Ordinance 551.01 and Codified Ordinance 551.02 in the Oakwood Codified Ordinances.

**SECTION 5:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the need to ensure that Oakwood Village is not a harborage or breeding ground for pests or conducive to the creation of human health problems, therefore, provided it receives two-third of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: July 9, 2019

Johnnie A. Warren  
Johnnie A. Warren, President of Council

Debra L. Hladky  
Deborah L. Hladky, Clerk of Council

Presented to the Mayor July 10, 2019

Approved: July 10, 2019

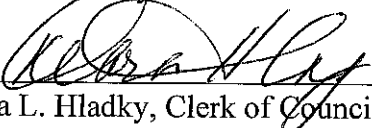
Gary V. Gottschalk  
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2019 - 45 was duly and regularly passed by this Council at the meeting held on the 9 day of July, 2019.

Debra L. Hladky  
Debra L. Hladky, Clerk of Council

**POSTING CERTIFICATE**

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2019 – 45 was duly posted on the 10 day of July, 2019, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

  
\_\_\_\_\_  
Debra L. Hladky, Clerk of Council

ORDINANCE NO. 2019-45

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE  
AN EMERGENCY ORDINANCE AMENDING EXISTING SECTIONS 551.01 AND  
751.02 OF THE OAKWOOD VILLAGE CODIFIED ORDINANCES.

WHEREAS, Oakwood Village recognizes the importance of maintained grass and yards within the Village for health, aesthetic, and safety reasons; and,

WHEREAS, Oakwood Village wishes to clearly require the cutting of all grass located on private property within the Village extending to a height of six inches or taller;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1:** Section 551.01, Definitions, which currently reads as follows:

**551.01 DEFINITIONS.**

"Noxious or harmful weeds and vines", as used in this chapter, shall be deemed to include ragweeds, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particles, or which may conceal filthy deposits.

Shall be and hereby is amended to read as follows:

**551.01 DEFINITIONS.**

"Uncontrolled growth," as used in this chapter, shall be deemed to include the following, when growing at a height of six inches or higher:

- (a) ~~Ragweeds, daisies, goldenrod, burdock, yellow dock, dandelions, thistles, wild carrot and any other weed or vegetable which exhales offensive or noxious odors or from which there is carried by the wind any injurious, offensive or annoying pollen, dust, down, seed or particles, or which may conceal filthy deposits; and,~~
- (b) Grasses or any other living ground covering.

**Deleted:** "Noxious or harmful weeds and vines", as used in this chapter, shall be deemed to include r

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**SECTION 2:** Section 551.02, Cutting; Frequency; Village action; Costs, which currently reads as follows:

**551.02 CUTTING; FREQUENCY; VILLAGE ACTION; COSTS.**

(a) No owner or occupant of any lot or parcel of land located within the corporate limits of the Village shall fail to periodically cut and destroy all noxious or harmful weeds and vines growing upon such lot or parcel of land. This section shall not apply to growing crops or cultivated plants.

For the purpose of determining the frequency of cutting and destroying noxious weeds and vines as required herein, any noxious or poisonous weeds or vines growing upon any lot or parcel of

land and extending to a height of six inches shall be deemed noxious and harmful weeds and vines.

(b) The Building Inspector shall notify in writing any owner or occupant of a lot or parcel of land located within the corporate limits of the Village of the violation of subsection 551.02 (a) above and further order such owner or occupant to forthwith cut and destroy noxious or harmful weeds and vines growing upon such premises, and if such person fails to cut and destroy the same within five seven days of the date the notice was posted, then the Mayor shall cause such weeds and vines to be cut and destroyed. Service of the notice shall be deemed complete upon the posting of such notice in the United States mail to the last known address of the owner or occupant of such parcel of land. The owner of such premises shall thereupon be charged at the rate of one hundred fifty dollars (\$150.00) per hour, or any part thereof, with a minimum fee of one hundred fifty dollars (\$150.00), as a reasonable expense thus incurred in cutting and destroying such weeds and vines, and shall pay the cost thereof within ten days after being notified in the same manner as above of such costs. If the owner fails to pay such costs, the Director of Finance of the Village may certify the total cost to the County Auditor, who shall place the cost upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as is other taxes and returned to the Village of Oakwood by the County Auditor.

(c) The Mayor shall cause public notice in a newspaper of general circulation within the Village notifying those individuals who will be assessed pursuant to the requirements of subsection (b) hereof.

Shall be and hereby is amended to read as follows:

**551.02 CUTTING; FREQUENCY; VILLAGE ACTION; COSTS.**

(a) No owner or occupant of any lot or parcel of land located within the corporate limits of the Village shall fail to, ~~cut and destroy all uncontrolled growth upon such lot or parcel of land.~~ This section shall not apply to growing crops or cultivated plants.

(b) The Building Inspector shall notify in writing any owner or occupant of a lot or parcel of land located within the corporate limits of the Village of the violation of subsection 551.02 (a) above and further order such owner or occupant to forthwith cut and destroy ~~uncontrolled growth~~ upon such premises, and if such person fails to cut and destroy the same within ~~seven days of the date the notice was posted,~~ then the Mayor shall cause such ~~uncontrolled growth~~ to be cut and destroyed. Service of the notice shall be deemed complete upon the posting of such notice in the United States mail to the last known address of the owner or occupant of such parcel of land. The owner of such premises shall thereupon be charged at the rate of one hundred fifty dollars (\$150.00) per hour, or any part thereof, with a minimum fee of one hundred fifty dollars (\$150.00), as a reasonable expense thus incurred in cutting and destroying such ~~uncontrolled growth,~~ and shall pay the cost thereof within ten days after being notified in the same manner as above of such costs. If the owner fails to pay such costs, the Director of Finance of the Village may certify the total cost to the County Auditor, who shall place the cost upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as is other taxes and returned to the Village of Oakwood by the County Auditor.

(c) The Mayor shall cause public notice in a newspaper of general circulation within the Village notifying those individuals who will be assessed pursuant to the requirements of subsection (b) hereof.

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**SECTION 3:** The existing version of Oakwood Codified Ordinance Sections 551.01 and 551.02 be and hereby are repealed.

**SECTION 4:** The Codifier is hereby instructed to substitute the adopted versions of Codified Ordinance 551.01 and Codified Ordinance 551.02 in the Oakwood Codified Ordinances.

**SECTION 5:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the need to ensure that Oakwood Village is not a harborage or breeding ground for pests or conducive to the creation of human health problems, therefore, provided it receives two-third of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Deborah L. Hladky, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2019 - was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Debra L. Hladky, Clerk of Council

**POSTING CERTIFICATE**

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2019 - was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

\_\_\_\_\_  
Debra L. Hladky, Clerk of Council